

## MINUTES OF TOWN OF BIG FLATS OF JANUARY 11, 2012

PRESENT:	Supervisor	Teresa Dean
	Council	Edward Fairbrother
		Mike Smith
		Mike Saglibene
		Andy Gillette
	Attorney	Frederick Ahrens Jr.
	Town Clerk	Linda Cross

Supervisor Dean called the Town Board meeting to order at 4:30 p.m. and requested those present to participate in the Pledge of Allegiance.

PUBLIC HEARING    4:30 p.m.                      Local Law No.1 of 2012 –  
Amend Town of Big Flats Municipal Code, Title 17,  
Chapter 17.04 and 17.12

IN FAVOR: Jared Hayes, 511 West Church Street, Elmira, is in favor of the amendment. Jared feels it's a good fit and an added benefit for the resident of Big Flats as well as the people who travel Route 352.

Neil Sanders, 511 West Church Street, Elmira, also one of the owners of Tuff Pups, is in favor of and feels the area is a contribution with the amount of land.

OPPOSITION: None

COMMENTS: Steve Teets, 10 Farr Lane asked if any type of animal or domestic animal facility would not be allowed in a residential area. Supervisor Dean replied that the proposal is to allow the use in Industrial District.

Supervisor Dean closed the Public Hearing at 4:35 p.m.

CONCERNS OF THE PEOPLE –Judith Kadlec, 26 Landau Drive, concerned that in the Organizational Meeting Minutes there was no Town Deputy Supervisor appointed, along with no personal committee.

Phyllis Rider, Countyline Drive, concerned about who will be hired for the Director of Recreation position, and felt we should hire someone who lives in the Town of Big Flats. Supervisor Dean replied that after the Civil Service exam in February the Town Board will interview from the qualifying list.

Carl Pesesky, 725 Cayuga Drive, asked the Board if the Director of Recreation Position is appointed as part time or a full time position after the Civil Service Exam, and is it a permanent or temporary position. Supervisor Dean replied the appointment we have now is temporary. We are not making an appointment for the Director of Recreation position until after the Civil Service Exam and it will be someone that is qualified from the Civil Service Exam on the list

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### REPORTS

Supervisor Dean stated the following reports for December 2011 have been received and are on file in the office of the Town Clerk:

Town Clerk's Monthly Report, Youth Department Monthly Report, SPCA Monthly Report, Justice Court Monthly Report, Supervisor's Fund Balance Report, Assessor's Monthly Report, Department of Public Works Monthly Report, Code and Planning Department Monthly Report.

### UNFINISHED BUSINESS

#### RESOLUTION NO. 72-12

#### LOCAL LAW NO. 1 FOR THE YEAR 2012, TOWN OF BIG FLATS MUNICIPAL CODE, TITLE 17, CHAPTERS 17.04 AND 17.12 AMENDED

Resolution by: Fairbrother

Seconded by: Smith

WHEREAS the Town of Big Flats Department of Planning Staff had reviewed the Town of Big Flats Comprehensive Plan and the Town of Big Flats Town Center Strategic Plan and found reasonable facts to support a Comprehensive Zoning Amendment, and

WHEREAS Town of Big Flats Municipal Code 17.68.010 provides the Town of Big Flats Town Board an avenue to amend the Town of Big Flats Zoning Law, now

BE IT THEREFORE RESOLVED the Town Board sets a Public Hearing for January 11, 2012 at 4:30 p.m. regarding a Local Law Tentatively No. 1 for the Year 2012, establishing a definition and amending the District Use Requirements for domestic animal daycare, now

THEREFORE, BE IT RESOLVED, there is hereby presented to each member of the Town Board Local Law Tentatively No. 1 for the Year 2012, establishing a definition and amending the District Use Requirements for domestic animal daycare, as follows:

#### **TOWN OF BIG FLATS LOCAL LAW TENTATIVELY NO. 1 FOR THE YEAR 2012**

**A LOCAL LAW** amending the Town of Big Flats Municipal Code, Title 17 – Zoning, Chapters 17.04 and 17.12 to incorporate Domestic Animal Daycare.

Be it enacted by the Town Board of the Town of Big Flats as follows:

**SECTION 17.04.060:** *Kennel* means any *lot* or *structure* used or maintained for the boarding, breeding, sale, letting for hire, or the commercial training of dogs, cats and/or other domestic animals kept as pets is changed to read the following:

TOWN OF BIG FLATS LOCAL LAW TENTATIVELY NO. 1 FOR THE YEAR 2012 continued

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*Kennel and Domestic Animal Daycare* means any *lot* or *structure* used or maintained for the **caring for**, boarding, breeding, sale, letting for hire, or the commercial training of dogs, cats and/or other domestic animals kept as pets, **which may include on-site outdoor exercise space**.

**SECTION 17.12.010:** The *use* requirement table for uses permitted in each district is amended to include *Kennel and Domestic Animal Daycare* in the *Industrial Zone (I)* as an “S” permitted under *site plan* approval.

**EFFECTIVE DATE:** This Local Law shall become effective upon filing with Office of the Secretary of State of the State of New York.

FURTHER RESOLVED the Town Clerk shall cause one certified copy thereof to be filed in the office of the Secretary of State of the State of New York.

CARRIED: AYES: Smith, Fairbrother, Gillette, Salibene, Dean  
NAYS: None

NEW BUSINESS

RESOLUTION NO. 73-12  
AGREEMENT WITH SOUTHERN TIER ECONOMIC GROWTH INC. APPROVE

Resolution by: Smith  
Seconded by Gillette

WHEREAS the Town Board has determined that an agreement with Southern Tier Economic Growth Inc. (STEG) for the purposes of providing continued economic growth and development services would be a benefit to the Town, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the Town Supervisor to enter into an agreement with Southern Tier Economic Growth Inc. for the purpose of providing continued economic growth and development services for calendar year 2012 at a cost not to exceed \$6,000.00.

CARRIED: AYES: Smith, Fairbrother, Gillette, Salibene, Dean  
NAYS: None

RESOLUTION NO. 74-12

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SUPPORT FOR 2012 RESOLUTIONS AT THE ASSOCIATION OF TOWNS MEETING

Resolution by: Gillette  
Seconded by: Saglibene

WHEREAS the Town Board has received numerous resolutions from the Association of Towns to be considered at their 2012 training school, and

WHEREAS for environmental review, ministerial acts is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (19) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED that the Town Board of the Town of Big Flats supports the adoption of the following resolutions submitted by the Association of Towns of the State of New York:

- Preserve and Strengthen Home Rule;
- Mandate Relief;
- Publication of Legal Notices
- Road Preservation Securities and Road Use Agreement
- Preserve Land Use Authority for Natural Gas Drilling
- Funding Local Cost Associated with Gas Extraction
- Requesting Meaningful Participation in the Siting of Major Power Generation Facilities
- Reform Real Property Tax System
- Highway, Bridge and Transportation Funding
- Elimination of the Requirement to Collect State Animal Population Control Surcharge
- Fund the Local GEMA Cost Share
- Authority to Charge Gross Receipts Taxes on Utility Bills
- Preserve Dedicated Funds for Local Purposes

CARRIED: AYES: Smith, Fairbrother, Gillette, Salibene, Dean  
NAYS: None

RESOLUTION NO. 75-12  
RECEIVING AND ACCEPTING THE JANUARY 11, 2012  
COMMUNICATIONS LOG AS PREPARED BY THE TOWN CLERK

Resolution by: Saglibene  
Seconded by: Fairbrother

BE IT RESOLVED that the following communications were dated, accepted and filed by the Town Clerk of the Town of Big Flats and referred to the appropriate Department Head for information and/or action:

RESOLUTION NO. 75-12, RECEIVING AND ACCEPTING THE JANUARY 11, 2012  
COMMUNICATIONS LOG AS PREPARED BY THE TOWN CLERK continued

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### December 9, 2011

U.S. Department of Homeland Security – RE: Discovery Maps illustrating data and information that will be used during the Risk MAP project and Discovery Report including data and information collected during the Discovery process. *Referred to: Assessor; Code Enforcement Office; Department of Public Works; and Town Supervisor.*

### December 15, 2011

Department of State, Cesar A. Perales, Secretary of State – RE: Efforts aimed to reducing local expenditures while maintaining high quality services. *Referred to: Assessor; Code Enforcement Office; Department of Public Works; and Town Supervisor.*

### December 16, 2011

Chemung County Human Society & Society for the Prevention of Cruelty to Animals, Inc. – RE: Proposed 2012 Dog Control Contact and Changes for the New Year. *Referred to Town Clerk and Town Board.*

NYS Office of General Services – RE: Municipal Acquisitions of State Surplus Vehicles/Items. *Referred to: Assessor; Code Enforcement Office; Department of Public Works; and Town Supervisor and filed with the Town Clerk.*

### December 21, 2011

AMEC Environmental and Infrastructure, Inc. – RE: SEWPI LP Notice of Application – surface water withdrawal renewal, SRBC Docket No. 20080604 Pending No. 2011-140, Big Flats, Chemung County, NY. *Referred to Assessor; Code Enforcement Office; Department of Public Works; and Town Board.*

### December 27, 2011

NYSEG – RE: Case 11-T-0654-Application of New York State Electric & Gas Corporation for a Certificate of Environmental Compatibility and Public Need Pursuant to Article VII Section 121-a of the Public Service Law for Approval to Construct a 4.9 Mile Natural Gas Transmission Pipeline and Associated Facilities in the Town of Big Flats and Horseheads and the Village of Horseheads, Chemung County. *Referred to: filed with the Town Clerk.*

Judith T. Zimmerman, Director of Community Center – RE: Resignation. *Referred to: filed with the Town Clerk.*

### December 29, 2011

Ashaur Azhar and other tenants of Yorkshire apartments. – RE: No street lights on CR64/Big Flats Road Section. *Referred to: Department of Public Works*

### December 30, 2011

Time Warner Cable – RE: New pricing for cable packages. *Referred to: filed with the Town Clerk.*

RESOLUTION NO. 75-12, RECEIVING AND ACCEPTING THE JANUARY 11, 2012 COMMUNICATIONS LOG AS PREPARED BY THE TOWN CLERK continued

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January 3, 2012

Time Warner Cable – RE: MSG Leaves Time Warner Cable sports fan in the dark. *Referred to: Town Board and filed with the Town Clerk.*

January 5, 2012

Southern Tier Economic Growth – RE: 2011 Annual Report. *Referred to: filed with the Town Clerk.*

CARRIED: AYES: Smith, Fairbrother, Gillette, Salibene, Dean  
NAYS: None

Councilperson Gillette felt the Town Board should pay for part of their expenses like gas or food, when they go to conferences. He also asked if the Board members who go to the conference, if we would have a public workshop on what they have learned from the conference.

Councilperson Fairbrother made a motion, seconded by Councilperson Smith to adjourn the Town Board meeting at 4:49 p.m. All in favor, motion carried.

Date approved: \_\_\_\_\_

Linda J. Cross  
Town Clerk